IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 435 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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BHARATKUMAR BABULAL GANDHI

Versus

M/S.RAVI KIRAN DEVELOPERS

Appearance:

1. Civil Revision Application No. 435 of 2001

MR KV SHELAT for Petitioner No. 1

RULE NOT RECD BACK for Respondent No. 1-2

RULE SERVED for Respondent No. 3,8

MR PC KAVINA for Respondent No. 4-6

MR HS MUNSHAW for Respondent No. 7

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 09/08/2002

ORAL JUDGEMENT

Heard the learned Advocate for the petitioner and

M/s. P C Kavina, and H S Munshaw, learned advocates for respondents No.4 to 7.

Having regard to the facts and circumstances of the case and looking to the fact that the Chief Town Planning Officer of the State of Gujarat is necessary party to the litigation before the trial court, it would be necessary to allow this revision and permit the petitioner herein to join the said person as party to the suit before the trial court. Learned Advocates for the respondents have also made a statement that they and the newly added party should be at liberty to contest the said suit on any ground available to them legally or factually. In view of the above position, with consent of learned Advocate Mr P C Kavina for respondents No.4, 5 and 6, this revision application is allowed. The Chief Town Planning Officer of the State of Gujarat)Town Planning and Urban Development department, Gandhinagar) is permitted to be joined as respondent no.8 in Regular Civil Suit No.191/96. The plaint shall be amended accordingly before the trial court. Naturally, on amendment in the plaint, the newly joined respondent No.8 shall be served with copy of the amended plaint. The respondents shall naturally be at liberty to take necessary legal and factual defence available to them. Rule is made absolute accaordingly. IR is vacated. No order as to costs.

9.8.2002 [D P Buch, J.]
msp